

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

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# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **10 NOVEMBER 2004 (10.11.2004)**

Applicant's or agent's file reference  
FE241488

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/KR2004/001856**

International filing date (day/month/year)

**23 JULY 2004 (23.07.2004)**

Priority date(day/month/year)

24 JULY 2003 (24.07.2003)

International Patent Classification (IPC) or both national classification and IPC

**IPC7 H04L 12/28**

Applicant

**UTStarcom Korea Limited et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/001856

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/001856

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1	YES
	Claims		NO
Inventive step (IS)	Claims	1	YES
	Claims		NO
Industrial applicability (IA)	Claims	1	YES
	Claims		NO

**2. Citations and explanations :**

1. Reference is made to the following document:

D: WO 2003/051078 A1 (QUALCOMM INC.) 19 June 2003

2. The present invention relates to a method for establishing an ATM traffic channel path between the SF block of the BSC and the channel card block of the BTS and exchanging information on such established path necessary for establishing such path, wherein the blocks have been designed and implemented in the course of commercializing ATM communication network based on an evolution-data only (EV-DO) system of Qualcomm.

3. D is directed to method and system for flow control between a base station controller and a base transceiver station. A flow indication counter responsible for tracking the rate of data flowing out of a buffer at a base transceiver station is incremented each time a data packet is transmitted from the buffer. The buffer window size, which represents the amount of buffer space available for receiving more data, is used by the base station controller to determine the amount of data to transmit to the base transceiver station.

4. D does not disclose the characteristic of the present invention which modifies a conventional message between the BSC and BTS, conceives a new message between them while reflecting the conventional message and provides an additional way of exchanging information on the ATM path.

5. It is thus believed that Claim 1 meet the criteria set out in PCT Article 33(2)-(4). D does not teach nor fairly suggest any of the components which are especially set forth in the claims. Therefore, Claim 1 has novelty, an inventive step and industrial applicability.